

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION

JEFFERY GRIER, )  
                    )  
Plaintiff         )  
                    ) No. 1:16-0019  
v.                  ) Chief Judge Sharp/Bryant  
                    ) **Jury Demand**  
SOUTHERN HEALTH PROVIDERS, )  
*et al.*,         )  
                    )  
Defendants         )

**TO: THE HONORABLE KEVIN H. SHARP  
CHIEF JUDGE**

**REPORT AND RECOMMENDATION**

On March 24, 2016, the Court granted Plaintiff's application to proceed *in forma pauperis* and directed the Clerk to mail to the Plaintiff a service packet for Defendant McGee (Docket Entry No. 3). This order instructed Plaintiff to complete the service packet and return it to the Clerk's office within 21 days of the receipt of the order. The Plaintiff was forewarned that the failure to return the completed service packet within the time required could jeopardize his prosecution of this action.

On June 13, 2016, after Plaintiff failed to return the completed service packet as required, the undersigned Magistrate Judge entered an order to show cause requiring Plaintiff to show cause on or before June 29, 2016, why his complaint should not be dismissed for his failure to comply with the order of the Court requiring a timely return of the service packet. This order

admonished the plaintiff that his failure to respond to the order may cause the undersigned Magistrate Judge to recommend that his complaint be dismissed. Despite this admonition, Plaintiff has failed to respond to the order to show cause.

For the reasons stated above, the undersigned Magistrate Judge recommends that Plaintiff's complaint be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for Plaintiff's failure to comply with an order of the Court.

#### **RECOMMENDATION**

For the reasons stated above, the undersigned recommends that this action be dismissed pursuant to Rule 31(b) for Plaintiff's failure to comply with an order of the Court.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

**ENTER** this 18<sup>th</sup> day of July, 2016.

/s/ John S. Bryant  
JOHN S. BRYANT  
United States Magistrate Judge